

MICHIGAN SUPREME COURT



Office of Public Information

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APPELLATE COURT RULE CHANGES AMONG AGENDA ITEMS FOR MICHIGAN SUPREME COURT'S JANUARY 14 PUBLIC ADMINISTRATIVE HEARING

Court's second public administrative conference to follow hearing on possible rule changes

LANSING, MI, January 13, 2009 – A number of changes to state appellate court rules are on the agenda for the Michigan Supreme Court's January 14 public hearing in Lansing. The Court's second public conference will follow; both events will take place in the Court's courtroom on the 6th floor of the Michigan Hall of Justice in Lansing. The public hearing will start at 9:30 a.m. and adjourn no later than 11:30 a.m.; the Court's conference will proceed immediately afterwards, after a brief break.

"The Court holds public hearings on administrative matters – rules affecting court operations, evidence, attorney and judicial ethics, and many other issues – three or four times a year, to invite public comment and discussion," said Chief Justice Marilyn Kelly. "Anyone, not just attorneys and judges, may sign up to speak on agenda items at these public hearings.

"Beginning last week, the Court now also holds its administrative conferences, at which the Justices consider and vote on these matters, in public," Kelly explained. "While these are two distinct events, a common goal of both is inviting the public into the Court's administrative process. We are working to make that process as transparent as possible."

The Chief Justice noted that, at the conference following the public hearing, the Justices will take up the proposals on the hearing agenda, in addition to a few other items.

Those wishing to speak at the public hearing should contact the Clerk of the Court by e-mail at MSC_clerk@courts.mi.gov, and should reference the ADM file number for each item on which they wish to address the Court. Speakers will have three minutes each to present their views and may be asked questions by the Justices.

The [agenda](#) for the Court's public hearing includes:

- [ADM 2007-40](#) offers two proposed alternative amendments of Michigan Court Rule (MCR) 7.205, concerning whether and when a claim of appeal tolls the period for filing an application for delayed appeal.

- [ADM 2007-41](#) would amend MCR 2.112 to clarify that the court rule applies to actions based on tort or other claims in which a party seeks damages for personal injury, property damage, or wrongful death, which is closer to the actual language of the statutory reference on which it is based.
- [ADM 2007-42](#) would amend MCR 7.302, which governs applications for leave to appeal to the Supreme Court, as well as MCR 7.314 and MCR 7.316. Under the proposed changes, the Court could order a party to correct a deficient application for leave or could strike it altogether, and could also dismiss a case for a party's failure to comply with the rules.
- [ADM 2008-24](#) proposes an amendment to MCR 2.614, "Stay of Proceedings to Enforce Judgment," to make that rule consistent with recent amendments of MCR 2.119, MCR 7.204, and MCR 7.205, clarifying that a party seeking to appeal to the Court of Appeals has 21 days to do so after entry of an order deciding a motion for new trial, a motion for rehearing or reconsideration, or a motion for other relief from the lower court's order or judgment.
- [ADM 2008-26](#) would retain an amendment to State Bar of Michigan rules, allowing waivers of bar dues for up to four years for Michigan attorneys who are on full-time active duty with the U.S. Armed Forces.
- [ADM 2008-29](#) offers amendments to various court rules governing child protection proceedings, including efforts to advance permanent placements for children who are court wards. The rule amendments are aimed at making the court rules consistent with recent legislative enactments, 2008 PA 199-203.

These and other proposed or recently-adopted court rules may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/#proposed>.

In addition to the items on the public hearing agenda, the Court's [administrative conference](#) will include:

- Discussion of how the Court wants to proceed in [ADM 2003-62](#), a proposed revision to the ethics rules governing Michigan attorneys.
- Whether the Clerk of the Court should keep records of each justice's attendance at the public administrative conferences, including the time periods of attendance, whether the justice was present in person or participated by telephone, and the reasons why a justice was not present in person.

The Court's next public administrative conference is scheduled for January 22 at 9:30 a.m. in the Supreme Court courtroom. The [agenda](#) for this and future conferences may be viewed online at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PH.htm>.

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